

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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ACQUEST HOLDINGS, INC.

Plaintiff,

Civil Action No. 16-CV-00212

-against-

**NOTICE OF MOTION TO
DISMISS PURSUANT TO
FED.R.CIV.PRO. 12(B)(6)**

TRAVELERS CASUALTY AND SURETY
COMPANY OF AMERICA

Defendant.

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PLEASE TAKE NOTICE that the Defendant, Travelers Casualty and Surety Company of America (“Travelers”), by and through its undersigned counsel, McElroy, Deutsch, Mulvaney & Carpenter, LLP, will move this Court before the Honorable Elizabeth A. Wolford, U.S.D.J. at the Kenneth B. Keating Federal Building, 100 State Street, Rochester, New York 14614, on a date and time to be set by the Court, pursuant to Judge Wolford’s Individual Rules and Procedures, for an Order dismissing the Plaintiff’s Complaint, with prejudice, for failure to state a claim upon which relief may be granted, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

MC ELROY, DEUTSCH, MULVANEY & CARPENTER, LLP

/s/ Adam R. Schwartz

Adam R. Schwartz

Wall Street Plaza

88 Pine Street, 24th Floor

New York, New York 10005

T. (212) 483-9490

F. (212) 483-9209

aschwartz@mdmc-law.com

Attorneys for the Defendant,

Travelers Casualty and Surety Company of America

Dated: New York, NY
March 17, 2016